REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-76 are now pending in this application of which Claims 1, 17, 31, 46, and 66 are independent.

Claim Rejections – 35 USC § 112

In section 2 of the Office Action, Claims 1, 17, 29, 64, 66, & 74 were rejected under 35 USC § 112, second paragraph as being indefinite. Specifically, Claims 1, 17, 29, 64, & 74 were rejected for using the phrase "substantially real time." This rejection is believed to be in error. Claims 1, 17, 29, 64, & 74 do not include the phrase "substantially real time." Thus, the rejection is believed to be mistaken, or the Office Action fails to recite sufficient detail for the applicant to respond.

Also, Claim 66 was rejected for using the phrase "it may be collaboratively controlled." This phrase seems reasonably clear to the applicant. The application model is configured such that it is capable of being controlled collaboratively by the first user interface and the second user interface. While the application model need not be collaboratively controlled, it includes the ability to be collaboratively controlled. If the examiner would find it more definite, the examiner may amend Claim 66 to replace "may be" with "is capable of being."

Claim Rejections – 35 USC § 102 and § 103

A. Claims 1-30 and 59-65

In sections 4-8 of the Office Action, Claims 1-4, 7-8, 10-11, 17-18, 21, 23-24, 26-27, and 62 were rejected as anticipated by Wood et al. (US 5,715,823). In Sections 10, and 14-16, Claims 9, 12-16, 28-30, 59-61, and 63-65 were rejected as being unpatentable under § 103(a) over Wood. While not specifically called out, it appears that Claims 5-6, 19-20, 22, and 25 were also rejected as unpatentable under § 103(a) over Wood in sections 13 and 14 of the Office Action.

Claim 1 recites "controlling the application model using the first user interface and the second user interface at about a same time" in combination with the other elements of Claim 1. This element was not specifically addressed in the Office Action and was not shown where Wood teaches this element. Further, Wood does not teach controlling the application model using the first user interface and the second user interface at about a same time in combination with the other elements of Claim 1. Rather, Wood appears to teach that when a remote user interface is used, the system is controlled only by the remote user interface. Col. 11, lines 25-49. Therefore, Wood does not anticipate Claim 1 (as amended).

Additionally, Wood does not suggest controlling the application model using the first user interface and the second user interface at about a same time in combination with the other elements of Claim 1. Rather, Wood teaches that "a physician can perform an ultrasound exam from distances thousands of miles from the patient, needing only a pair of hands at the patient's location to hold and manipulate the ultrasound probe." Col. 11, lines 50-53. In other words, Wood suggests that the purpose of the person in the vicinity of the ultrasound system is to control the probe and not to control the system parameters. Thus, Wood would not suggest that an application model be controlled using both its local controls and its remote user interface. Therefore, Wood would not render Claim 1 unpatentable under § 103(a).

Claims 2-16 depend from Claim 1 and would be allowable over Wood for at least the same reason as Claim 1. Claims 17-30 recite elements similar to this element of Claim 1 and would be allowable over Wood for reasons similar to Claim 1.

B. Claims 31-45

In Sections 10-13, and 15-17 of the Office Action, Claims 31-45 were rejected as unpatentable under § 103(a) over Wood.

Claim 31 recites "means for updating located at the first location ... configured to automatically send interface updates to refresh the second means for interfacing." Wood does not teach a means for updating located at a first location that automatically sends interface updates to refresh means used for interfacing located at a second location as claimed in Claim 31. Rather, it appears that Wood teaches that a remote user of the system of Wood needs to

specifically request that the system be updated for an update to be sent. Col. 11, lines 43-49. Thus, Wood fails to disclose at least this one element of Claim 31.

The system claimed in Claim 31 is not an obvious variation of the system disclosed in Wood. The Office Action appears to be arguing that one of ordinary skill in the art could make the interface of Wood continuous or automatic, but does not indicate why one of ordinary skill in the art would be motivated to make the change.[1] The closest the Office Action appears to reciting a motivation are the CGI programs. While Wood discloses CGI programs, those CGI programs only appear to execute commands in response to external requests for information, not continuously or automatically. Col. 8, lines 47-51. Thus, the presence of CGI programs would not motivate one of ordinary skill in the art to modify the system explicitly disclosed in Wood to go from a system that responds to external requests for information, to a system as claimed in Claim 31.

Claims 32-45 depend from Claim 31 and are allowable over Wood for at least the same reason as Claim 31.

C. Claims 46-58

In sections 4, 5, and 7 of the Office Action, Claims 46-47 and 52-53 were rejected as anticipated by Wood et al (US 5,715,823). In sections 10 of the Office Action, Claims 48-51, and 54-58 were rejected as unpatentable under § 103(a) over Wood.

Claim 46 recites "providing a first user interface at a first location and a second user interface at a second location; commanding an imaging system located at a third location with a command from at least one of the first user interface and the second user interface; generating an interface update in response to the command to the imaging system, the interface update including data representative of the image; and providing the interface update to the first user interface and the second user interface."

Wood, contrary to the position taken by the Office Action in section 24, does not teach providing an update to both a first user interface and a second user interface (both at

[1] Case relating to motivation to combine.

different locations than the imaging system) in response to a command from one of the first and second user interfaces. Rather, Wood teaches that a single user interface not located at the location of the ultrasound system is used to control the ultrasound system and is updated in response to its own commands. Wood does not appear to teach updating one user interface not located at the location of the ultrasound system in response to a command from a different user interface not located at the location of the ultrasound system. Thus, Claim 46 is not invalid as anticipated by Wood.

Also, there is no suggestion in Wood to provide an update to both a first user interface and a second user interface (both at different locations than the imaging system) in response to a command from one of the first and second user interfaces. Thus, Claim 46 is not invalid under § 103(a) as unpatentable over Wood.

Applicants would also like to point out that the requirements of Claim 46 are different than the requirements of Claim 5.

Claims 47-58 depend from Claim 46 and would be allowable for at least the same reasons as Claim 46.

D. Claims 66-76

In sections 4-5 of the Office Action, Claims 66, 71, and 73 were rejected as anticipated under § 102(b) by Wood et al (US 5,715,823). In Sections 10, 13-14, 16, and 19-20 of the Office Action, Claims 67-70, 72, and 74-76 were rejected as unpatentable under § 103(a) over Wood.

Claim 66 recites "wherein the application model is configured such that it may be collaboratively controlled by the first user interface and the second user interface." Wood does not disclose an application model that is collaboratively controllable by a first user interface and a second user interface. Rather, a single user appears to control the system disclosed in Wood. See e.g., Col. 11, lines 50-53. Thus, Claim 66 recites at least one element not taught in Wood.

Further, one of ordinary skill in the art would not be motivated by the purpose of Wood to implement the missing element of Claim 66. Wood appears to be directed to a system that allows remote control of an imaging system. Col. 11, lines 50-53. Claim 66 is directed to a system that can be collaboratively controlled. Wood provides no motivation or suggestion to create a system that can be collaboratively controlled. Thus, one of ordinary skill in the art would not have been motivated to provide the element of Claim 66 not taught in Wood.

Claims 67-76 depend from Claim 66 and are believed to be allowable for at least the same reasons as Claim 66.

Additionally, Claim 67 further distances itself from Wood in that collaborative control includes automatically updating the interface not making the change when the interface used to make the change makes the change. This teaching is not found in Wood, nor would it be needed to implement the remote control system of Wood. In Wood it appears sufficient that only the remote user control the imaging system, thus providing no reason to update the local interface – particularly not automatically as claimed.

Also, Claim 69 recites that both the first and second interfaces are located remotely from the application model. Neither the general nature and skill in the art nor Wood provides a motivation to include the ability for two people to collaboratively control the system remote from the application model using two separate interfaces.

E. Claims 12, 27, 39, 50

Claim 50 (depending from Claim 46) recites "providing a first user interface at a first location and a second user interface at a second location ... wherein the first location and the second location are proximate to each other." Wood does not teach or suggest that two interfaces would be created proximate each other. Rather, the entire point of Wood appears to be providing the ability to create remote controls for the imaging device. See e.g. Col. 11, lines 50-53. If the physician were in proximity to the control panel 20 (Fig. 1), there would be no need (or teaching or suggestion) in the system of Wood to create a second user interface

because there would be no need to remotely control the system. See again, Col. 11, lines 50-53. Thus, Claim 50 further recites an element that is not suggested by Wood.

The Office Action argues that this is merely making integral two things that were previously not integral. See section 14. This is not the case. Rather, Claim 50 is directed to a system for collaborative control where the first interface and the second interface are located in proximity to each other. Wood, on the other hand and as discussed above, is directed solely to a system for remote control; which remote control is not necessary when in proximity to the control panel 20. Thus, Claim 50 introduces a claim element entirely different from the understandings and expectations of the cited art (Wood). See MPEP 2144.04.

Claim 50 is thus believed to further recite elements not taught or suggested by the cited art and provide further support for allowance of Claim 50.

Claims 12, 27, and 39 recite elements similar to Claim 50 and are likewise believed to add further grounds of novelty to the claim from which they depend.

F. Claims 5, 33, 44, and 59

Claim 59 recites "wherein the system is configured such that if a change is made to the application model using the first user interface data is automatically sent to the second user interface to update the second user interface, and such that if a change is made to the application model using the second user interface data is automatically sent to the first user interface to update the first user interface."

Wood does not teach or suggest such a system. Rather, Wood only appears to update a user interface if the user specifically requests that the interface be updated. See Col. 8, lines 47-51 and Col. 11, lines 35-49.

Further, neither the general nature of skill in the art or Wood provide a motivation to include such an element which does not appear to be taught by Wood. Wood is directed to a remote control system that allows a doctor to remotely control the ultrasound device. See Col. 11, lines 50-53. This system appears that it is controlled by a single user. Claim 59,

alternatively, is directed to a collaborative control apparatus that allows multiple user interfaces to be controlled at roughly the same time. One feature that is recited in Claim 59 which allows collaborative control to run more smoothly is automatically updating the first interface based on at least some changes made by the second interface, and vice versa. This feature is not necessary for a remote control system where only a single user is in control of the system. Thus, Claim 59 recites at least one additional element not taught in or suggested by the system of Wood.

Claims 5, 33, and 44 recite elements similar to Claim 59 and are believed to further support the novelty of those claims for reasons similar to those discussed for Claim 59.

G. Other claims

The examiner is also suggested to additionally re-review Claims 15, 23, and 60 in view of the comments made above relating to the teachings and purpose of Wood.

Other Comments

Claims 1 and 17 use the term "about a same time." Applicants mean this term to cover collaborative control of an imaging system which differs from separate sessions separately controlling the system. Such control may occur nearly simultaneously in as much as a computer program can execute commands nearly simultaneously. Further, a program may be required to wait while it receives inputs from a first interface before allowing inputs from the second. If the examiner feels that one of ordinary skill in the art would attach a similar meaning to the term "at a same time" then the examiner may remove the term about from the claim.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845.

Respectfully submitted,

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